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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 21917 | 7590 | 05/02/2007 | | |
| MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410 | | | EXAMINER VANTERPOOL, LESTER L | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,525

Applicant(s)

KAISER, DOLORES

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,13-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 2,4-8,14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 13, 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldas et al., (U.S. Patent Number 6196605 B1) in view of Peterson (U.S. Patent Number 4854430) and Golden (U.S. Patent Number 4014416).

Baldas et al., discloses the back panel member (Figure 10) having the back surface, opposite sides (46), the top (38) and the bottom (48), wherein the sides (46), top (38) and bottom (48) extend substantially perpendicular to the back surface (See Figure 2);

the front panel (44) member having the front surface (See Figure 2), opposite sides (46), the top (38) and the bottom (48);

the center member (47) being constructed and arranged for mechanical engagement within and upon the surface of the inner panel of a vehicle door (12) (See Figure 1, 2 & 4);

wherein the storage compartment (See Figure 1) is at least partially recessed within the interior portion of the vehicle door (12) (See Figures 1, 2 & 4); and

whereby attachment of the storage compartment to the vehicle door (12) provides enhanced interior storage (See Figure 1) for the vehicle (10).

However, Baldas et al., does not disclose the center member having opposite sides, the top and the bottom for connecting peripheral portions of the front and the back panel members so that the panel members face each other to form front and back inner boundaries of the interior portion of the back member are constructed and arranged to telescope inwardly and outwardly within the center member.

Peterson teaches the center member (See Figure 3) having opposite sides, the top and the bottom for connecting peripheral portions of the front and the back panel members (See Figure 1) so that the panel members (11) face each other to form front and back inner boundaries of the interior portion of the back member are constructed and arranged to telescope inwardly and outwardly within the center member (See Column 2, lines 61 – 67) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the center member having opposite sides, the top and the bottom for connecting peripheral portions of the front and the back panel members so that the panel members face each other to form front and back inner boundaries of the interior portion of the back member are constructed and arranged to telescope inwardly and outwardly within the center member as taught by Peterson with the dynamic storage compartment of Baldas et al., in order to enhance storing items of different sizes.

However, Baldas et al., does not disclose the front surface having the aperture therethrough.

Golden teaches the front surface (16) having the aperture (28) therethrough (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front surface having the aperture therethrough as taught by Golden with the dynamic storage compartment of Baldas et al., in order to enhance long items.

Regarding claim 13, Baldas et al., discloses back panel member (See Figure 2) includes the means for pressing the pack panel member outwardly of the center member and into the door cavity when the window in the vehicle door (12) is moved in the upward direction (See Figures 2, 4 & 6).

Regarding claim 15, Baldas et al., discloses the vehicle door window (See Figure 1) cooperates with the back panel member (See Figure 1) for pressing the back member into the center member during downward movement of the vehicle door window (See Figure 1, 2 & 4).

Regarding claim 16, Baldas et al., discloses the back member includes the ramping surfaces (See Figures 2 & 4) extending between the top and the back surfaces, wherein the ramping surfaces is constructed and arranged to cooperate with the lower

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portion of the vehicle door window (See Figure 1) for pressing the back member into the center member during downward movement of the vehicle door window (See Figures 1, 2 & 4).

Regarding claim 17, Baldas et al., as modified by Peterson discloses the sides, top and bottom extend substantially perpendicular to the front surface, wherein the front panel member is constructed and arranged to telescope inwardly and outwardly within the center member (See Column 3, lines 61 –67).

Allowable Subject Matter

3. Claims 2, 4, 5 – 8 & 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 19 & 20 are allowed over the art of record.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 4 – 9, 13 – 17, 19 & 20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV



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